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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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| 08/824, 943 | 03/27/97 | RODENBURGH | D 16958 |

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EXAMINER

BAUMBARDNER, C

ART UNIT

2786

PAPER NUMBER

10

DATE MAILED: 12/31/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

| | | |
|------------------------------|---|--|
| Office Action Summary | Application No. 08/824,943 | Applicant(s) Rodenburgh et al. |
| | Examiner Carolyn T. Baumgardner | Group Art Unit 2786 |

Responsive to communication(s) filed on Oct 26, 1998

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

Claim(s) 1-4 and 16 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

Claim(s) 1, 2, and 16 is/are allowed.

Claim(s) 3 and 4 is/are rejected.

Claim(s) _____ is/are objected to.

Claims _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The proposed drawing correction, filed on Oct 26, 1998 is approved disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). 8

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Part III DETAILED ACTION

1. The amendment filed on **October 26, 1998** have been entered and considered.
2. Claims **1-4** and **16** are presented for examination.
Claims **5-15** have been canceled.

Abstract of the Disclosure

3. The objection to the abstract is withdrawn due to the amendment.

Drawings

4. The objections to the drawings are withdrawn due to the amendments.
5. Figure 17 has been entered into the application.
6. The proposed drawing correction and/or the proposed substitute sheets of drawings (figure 3), filed on October 26, 1998 has been approved and entered into the application.
7. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Specification

8. The objection to the specification is withdrawn due to the amendment.

Claim Rejections under 35 U.S.C. 102

9. Rejections to claims 1-2 are withdrawn due to the amendment.
10. Rejections to claims 3-4 are maintained and repeated below:
11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371 of this title before the invention thereof by the applicant for patent.

12. Claims **3-4** are rejected under 35 U.S.C. 102(e) as being anticipated by **Hendry (patent number 5,728,410)**.

As to independent claim **3**, the reference **Hendry** teaches a process for making a solidifiable product material comprising:

- a. Flowing the product material in a flow path (e.g., see col. 2 lines 42-56);
- b. Providing a flow channel (e.g., see col. 2 lines 42-56);
- c. Altering the posture of the flow channel with respect to the flow path (e.g., see col. 2 lines 42-56);
- d. Allowing the product material to solidify in the flow channel (e.g., see col. 2 lines 45-56); and

e. Solidified material being offset with respect to the flow path (e.g., see col. 2 lines 42-56).

As to dependent claim 4, which is dependent upon claim 3, the reference **Hendry** further teaches:

a. Producing a solidified product by the process (e.g., see col. 3 lines 1-12).

Response to Arguments

13. Applicant's arguments filed October 26, 1998 have been fully considered and are deemed to be persuasive as to claims 1-2, however they are not deemed persuasive as to claim 3-4.

14. As to claims 3-4, applicants argues that Hendry does not teach any alteration of the posture of the flow channel in reference to the cavity. However, Hendry teaches that gas flow displaces a controlled quantity of flow material from the mold cavity into the spill cavity which is flow coupled to the mold cavity by a runner (e.g., see col. 5 lines 1-13). This suggest an alteration in the flow channel.

Allowable Subject Matter

15. Claims **1-2** and **16** are allowed.

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16. Applicant's remarks on page 5, lines 4-15 of the last amendment clarify the flow device assembly and flow device actuation assembly so as to define an adjustable flow channel not taught in the references.

11. **THIS ACTION IS MADE FINAL.** See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action *>is< set to expire THREE MONTHS from the date of this action. In the event a first response is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE - MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn T. Baumgardner, whose telephone number is (703) 306-4768. The examiner can normally be reached on M-F from 8:30 a.m. to 5:00 p.m. EST.

If attempts to reach the examiner by phone fail, the examiner's supervisor, William Grant, can be reached at (703) 308-1108. Additionally, the fax phone for Art Unit 2786 is (703) 308-9051 or 308-9052.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 305-9600.



Carolyn T. Baumgardner

December 27, 1998



William Grant
Supervisory Patent Examiner
Art Unit 2786

12/28/98